

STATE OF NEVADA
BOARD OF HEARING AID SPECIALISTS

MINUTES

JULY 26, 2003

1. Call to Order; Welcome and Roll Call

Chair Lloyd called the meeting to order at 10:08 A.M. in the Conference Room of the Whitney Library in Las Vegas, Nevada. Roll call showed the following Board Members present:

Board Members:

Susan Lloyd, Chair
Denise Buffa, Member
Rick Vaughn, Member
Tracy Sandborn, Member

Staff:

Christina Harper, Board Administrator
George Campbell, Deputy Attorney General

Public:

Michael Aley
Charles Adams
Frances Corsun
Romolo Fusco
David Groom
Susan Doan

Chair Lloyd determined that a quorum was present.

2. Approval of Minutes – March 8, 2003 Board Meeting Minutes

Member Vaughn moved to approve the minutes as presented, seconded by Member Sandborn. The motion passed unanimously.

3. Review and Adopt Amendments to Policy Procedure Manual

There were no changes to the Policy Procedure Manual.

4. Report of Board Chair

A. Schedule Next Board Meeting

The next Board meeting was scheduled for November 15, 2003, in Reno, Nevada.

B. Schedule Next License Examination

The next licensure exam was scheduled for September 20, 2003, in Las Vegas, Nevada. The Board discussed holding the examinations in Las Vegas due to the large increase in airfares for Board Members and the two Board Members that administer the exam are located in Las Vegas.

C. Discuss the Code of Ethics Examination and Possible Amendments to Questions on Examination

A Subcommittee was formed with Members Sandborn and Vaughn to review the Code of Ethics examination and update the existing examination. Members Sandborn and Vaughn will present recommendations at the November meeting.

Mrs. Harper will inquire about an updated version of the International Hearing Society Code of Ethics.

5. Report of Secretary/Treasurer

A. Financial Report

Mrs. Harper handed out and reviewed the fiscal report for July 2002 – June 2003. The current checkbook balance is \$25,986. The Board discussed the funds currently in two Certificate of Deposits (CD) and agreed to have three CDs in the amount of \$10,000/\$10,000/\$6,000. Mrs. Harper was directed to place the funds in the proper CDs and try to get one date for renewal of all three CDs.

Following discussion, Member Vaughn moved to accept the Treasurer's Report, seconded by Member Sandborn. The motion passed unanimously.

6. Public Hearing to Consider Amendments to NAC 637A.405, 637A.407, 637A.410, 637A.415, 637A.420, 637A.425 and new sections to 637A – Section 7 and 8. Disciplinary Complaints; Filing of Informal Complaints; Default, Response, Review, Investigation; Notice of Hearing; Consolidation; Order of Presentation in Proceedings, Procedural and Pre-hearing Matters; Appearances, Required Attendance; Default for Failure to Appear; Discover of Witnesses and Evidence; Pre-Hearing Conference; Motions; Final Order or Decision; and Grounds for Disciplinary Action

Chair Lloyd opened the public hearing at 10:33 A.M. There were six individuals in attendance. There were no public comments. Deputy Attorney General Campbell stated that the Legislative Counsel Bureau legal language for the proposed regulations

is not ready for this public hearing. Mr. Campbell advised the Board to adopt the regulations as temporary regulations and continue the public hearing until the next meeting. Temporary regulations are good for 120 days and then could be adopted as permanent regulations at the November Board meeting.

Mr. Campbell briefly reviewed the proposed regulations for the benefit of the public and recommended editorial changes to the proposal to meet the Board's needs.

Chair Lloyd closed the public hearing at 11:07 A.M.

Member Vaughn moved to adopt the proposed regulations as temporary and to continue the hearing until the November meeting for permanent adoption, seconded by Member Sandborn. The motion passed unanimously.

7. Report of Board Administrator

B. Licensee Examination Results from May 2003

Mrs. Harper reported that Lorraine Vosu Kennedy took the licensure examination on May 17, 2003 and passed all sections of the examination. Ms. Kenney has been notified that she passed the exam and has not yet responded with her \$100 initial license fee.

C. Review of Quarterly Reports for Apprentices

The Board reviewed the quarterly apprentice reports for Apprentices John Alba, Elizabeth Lynner, and Richard Panelli.

D. Discuss Request from Hearing Aid Specialist to have License Go To Inactive Status Without 12 CEU's

Mrs. Harper explained that this Hearing Aid Specialist does not currently practice in Nevada and would like her license to go to Inactive Status, but was unable to obtain the 12 CEUs prior to June 30, 2003. The Hearing Aid Specialist stated that she would be obtaining those CEUs in July 2003.

Following Board discussion, the Board agreed to let the Hearing Aid Specialist obtain the 12 credits in July 2003, pay the \$100 reinstatement fee and Inactive Licensure Status. The Hearing Aid Specialist must provide proof of the 12 CEUs prior to this being granted.

E. Update of BDR for the 2003 Legislature

Mrs. Harper reported that the BDR submitted by the Board for legislative action died in Assembly Committee. The BDR was passed in Committee in the Senate and died in Committee in the Assembly due to no action. Chair Lloyd had provided written testimony to both Committees, but the Committee in the Assembly did not deem this

type of testimony acceptable. The Board will have to try again for a bill draft request during the next legislative session.

F. Letter from Senator Maurice Washington

Mrs. Harper referred Board Members to a letter received from Senator Maurice Washington wherein legislators reported that they have been denied service by licensed professionals in retaliation for certain votes that had been cast during a previous legislative session. The Committee on Legislative Affairs and Operations believes that the denial of services in both inappropriate and unprofessional. This was information only for Board Members.

A break was granted at 11:22 A.M.

The meeting reconvened at 11:35 A.M.

A. Application Profiles

The Board reviewed licensure applications for Thomas Atherton and Richard Panelli.

Following a review, Member Sandborn moved to approve Richard Panelli to sit for the licensure exam, seconded by Member Vaughn. The motion passed unanimously.

Member Sandborn moved to approve Thomas Atherton to sit for the licensure exam, seconded by Member Vaughn. The motion passed unanimously.

Michael Aley stated that he has submitted his application for an apprentice license. Mr. Aley requested that the Board approve his application or provisionally approve his application prior to the November Board meeting. Mr. Aley stated that if his application is not approved it would be a financial hardship on his family.

Chair Lloyd stated that the application was received after the date to be considered for approval at this meeting.

Deputy Attorney General Campbell stated that the Board could hold a special teleconference meeting with all expenses being paid by the applicant. David Groom, the applicant's sponsor, stated that he would pay for all expenses (to include telephone conference call charges, the copy and mail charges for documents, the \$80 per Member meeting per diem, hourly charges for the Board Administrator, etc.) incurred as a result of this meeting and requested that the Board hold such a meeting to approve Mr. Aley's application.

Member Sandborn stated that this type of request could start precedence for other applicants. Mr. Campbell stated that the applicant would be bearing the entire cost of the meeting.

The Board agreed to hold a special teleconference meeting for the possible approval of Mr. Aley's application when the Board Administrator receives all of the appropriate information. Mrs. Harper will notify Board Members of the date and time for this teleconference meeting.

G. Complaints

Mrs. Harper asked the Board for direction in regards to past complaints and possible investigators. The Board provided Mrs. Harper with a list of possible candidates as investigators for the Board. Mrs. Harper will contact these individuals by letter and request their help.

#03-04-051 – The Board reviewed the information provided by the Board Administrator. There was a question if the consumer actually requested a refund. Following a lengthy discussion, Member Sandborn moved to dismiss the complaint. There was no second on this motion. Member Vaughn moved for further investigation on this complaint. There was no second on this motion. Following further discussion, Member Sandborn moved to dismiss the complaint, seconded by Member Buffa. The motion passed with Members Sandborn and Buffa in agreement with the motion, Member Vaughn opposing the motion, and Chair Lloyd abstained from the vote.

#03-05-052 – The Board reviewed the information provided by the Board Administrator. Following a discussion, Member Sandborn moved to dismiss the complaint as the Hearing Aid Specialist has gone way beyond trying to satisfy the consumer and refunded the amount of the hearing aids minus the fitting fee after seven months, seconded by Member Vaughn. The motion passed unanimously.

8. Report of the Attorney General

A. Agreement for Legal Services

The Board reviewed the new agreement for legal services. It was discussed that there was an increase in the hourly amount that the Board will pay for legal services, but the Board will no longer be providing travel and per diem reimbursement unless directly related to a specific case.

The Board agreed with the new agreement and Chair Lloyd signed the agreement on behalf of the Board.

Member Vaughn questioned the status of Complaint #01-06-033. Mr. Campbell stated that he is in the process of writing the letter to the Hearing Aid Specialist and the letter should be completed next week.

9. Public Comments

Charles Adams, Hearing Aid Specialist, stated that he was disappointed in the Board and the action that was taken on the two complaints.

10. Adjournment of Meeting

Member Sandborn moved to adjourn the meeting at 12:55 P.M., seconded by Member Vaughn. The motion passed unanimously.